

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

GUY GENTILE,

Defendant.

DECLARATION

No. 2:16 Civ. 01619 (JLL)(JAD)

COUNTY OF NEW YORK)

);

STATE OF NEW YORK)

**DECLARATION OF ADAM C. FORD IN SUPPORT
OF GUY GENTILE'S MOTION TO DISMISS**

Adam C. Ford, Esq., pursuant to 28 U.S.C. §1746 declares the following subject to penalties of perjury:

1. I am a principal of the law firm of Ford O' Brien, LLP, attorneys of record for Guy Gentile.
2. I have personal knowledge of the matters set forth below, and the exhibits annexed hereto are true and correct copies of the documents described.
3. I submit this affidavit in support of Defendant's Motion to Dismiss and to place before the Court true and correct copies of certain documents and stenographically recorded sworn testimony.
4. Attached as Exhibit 1 hereto is a true and correct copy of the Commission's complaint against Mike Taxon and Itamar Cohen.
5. Attached as Exhibit 2 is a true and correct copy of the Commission's complaint against Adam Gottbetter.

6. Attached as Exhibit 3 is a true and correct copy of the Commission's complaint against Guy Gentile.

7. Attached as Exhibit 4 is a true and correct copy of the criminal complaint in the matter of United States of America v. Guy Gentile.

8. Attached as Exhibit 5 is a true and correct copy of the transcript from the oral argument on Gentile's Motion to Dismiss in *United States v. Guy Gentile*.

9. A representative of the SEC was sitting in Judge Linares' court room during the oral argument on Gentile's motion to dismiss the criminal indictment. The same SEC staff attorneys who have appeared in this case have been working with the United States Attorney's Office for the District of New Jersey for years.

10. Attached as Exhibit 6 is a true and correct copy of the Affidavit of Guy Gentile that was filed in Support of his Motion to Dismiss in *United States v. Guy Gentile*.

11. Attached as Exhibit 7 is a true and correct copy of an April 26, 2017 letter from the SEC.

12. Attached as Exhibit 8 is a true and correct copy of KYUS stock price chart from Bloomberg.

13. Attached as Exhibit 9 is a true and correct copy of the Affidavit of Adam Ford that was filed in Support of Guy Gentile's Motion to Dismiss in *United States v. Guy Gentile*.

14. Attached as Exhibit 10 is a true and correct copy of a May 16, 2017 email exchange between Adam Ford and Simona Suh.

15. Attached as Exhibit 11 are true and correct copies of May 5, 2017 and May 10, 2017 letters from Adam Ford to Hon. Dickson.

16. I declare under penalty of perjury that the foregoing statements made by me are true.

Dated: June 30, 2017

A handwritten signature in black ink, appearing to read 'A.C. Ford', with a horizontal line extending to the right.

Adam C. Ford, Esq.